



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: William T. Kemp

File: B-223186

Date: February 27, 1987

DIGEST

Employee who traveled between Norfolk and Arlington, Virginia, to obtain a visa in time to perform scheduled travel to Spain is entitled to reimbursement of the travel costs thereby incurred. Reimbursement is authorized under para. 1-9.1d of the Federal Travel Regulations based on the agency's determination that the employee's travel to Washington was necessary to the transaction of official business. B-153103, January 21, 1964.

DECISION

This decision is rendered in response to a request from the Commander, Atlantic Division, Naval Facilities Engineering Command (NAVFACENGCOM), for an advance decision concerning the legality of reimbursing an employee for travel expenses incurred in obtaining a Spanish visa as a condition to performing official travel abroad. We hold that the employee is entitled to reimbursement for these travel expenses in view of the agency's determination that under the circumstances, they were necessarily incurred in obtaining a visa that was required for the performance of official travel.

BACKGROUND

The question in this case arose in connection with Mr. William T. Kemp's temporary duty assignment involving urgent travel to Madrid, Spain, on October 23, 1986. Since Mr. Kemp did not frequently perform official travel, he did not have the necessary visa for entering that country and time constraints prevented him from procuring a visa through normal procedures. On October 21 he was issued an authorization for travel to Arlington, Virginia, for the purpose of obtaining a Spanish visa. He performed travel between Norfolk, Virginia, his permanent duty station, and Arlington on October 22 and departed for Spain the following day.

Mr. Kemp submitted a voucher for the travel expenses he incurred on October 22, 1986. Payment was administratively denied based on our holding in 9 Comp. Gen. 311 (1930) that expenses incurred by employees in procuring passports, passport photographs and visas for official travel may not be reimbursed. In that decision we noted that reimbursement for such expenses was not authorized by the Standardized Government Travel Regulations then in effect. That decision, issued in 1930, provided that "unless and until the Standardized Government Travel Regulations have been amended to permit reimbursement for expenses incurred in connection with passports, credit for such expenses cannot be allowed by this Office." NAVFACFENGCOM asks that we reconsider that 1930 decision since it prohibits reimbursement for employees' travel expenses incurred in the performance of official business.

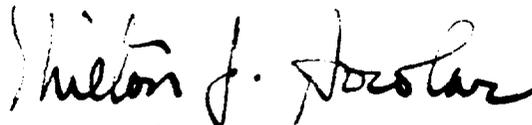
ANALYSIS

Since our decision in 1930, the pertinent travel regulations have been amended and we have addressed the issue of payment for travel expenses incurred in securing visas for official travel in light of those amendments. In B-153103, January 21, 1964, we held that such payment was warranted in circumstances where an employee had to travel to a location away from his permanent duty station in order to obtain a visa necessary for the performance of other official travel. That case involved an employee who was issued temporary duty orders for travel from Yokohama, Japan, to Subic Bay, Philippine Islands. Before departing for the Philippines he traveled to Tokyo, Japan, to obtain the necessary visa.

By 1964, the Standardized Government Travel Regulations had been amended to authorize reimbursement for visa fees. The regulations, however, were silent as to the payment of travel expenses incurred in procuring the visa. Section 10.5 of the regulations, nevertheless, provided for payment of "miscellaneous expenditures, not enumerated herein, when necessarily incurred by the traveler in connection with the transaction of official business. * * *" After determining that it was necessary for the employee to obtain a visa in order to perform official travel to the Philippines, we noted that it is not always necessary to appear in person to obtain a visa. We held that the employee could be reimbursed for the expenses he incurred in traveling to Tokyo to obtain the visa provided the agency determined that it was necessary for him to appear personally before the Philippine Embassy in Tokyo in order to obtain a visa to accomplish his scheduled travel to that country. Payment was authorized as a miscellaneous expenditure under section 10.5 of the travel regulations.

The Standardized Government Travel Regulations in effect in 1964 have been superseded by the Federal Travel Regulations (FTR), incorp. by ref., 41 C.F.R. § 101-7.003 (1986), which specifically provide for payment of visa and passport fees. As did section 10.5 of the Standardized Government Travel Regulations in effect in 1964, FTR para. 1-9.1d contains language authorizing payment for miscellaneous expenses associated with official travel. For civilian employees of the Department of Defense, both of these regulations are reflected in paragraph C4709 of Volume 2 of the Joint Travel Regulations.

Consistent with our holding in B-153103, supra, the above-cited regulations provide a basis for reimbursing expenses such as those incurred by Mr. Kemp in obtaining urgently needed travel documents. The agency has indicated that it was necessary for Mr. Kemp to obtain a visa in order to perform official travel to Spain. We are advised that the travel was authorized on an urgent basis and the record supports a finding that it was necessary for Mr. Kemp to travel to Arlington to obtain the necessary visa in time to meet those travel requirements. Under these circumstances, Mr. Kemp's voucher for travel expenses for October 22, 1986, may be certified for payment insofar as otherwise proper.

for 
Comptroller General
of the United States